

Attorney Docket No: IDF 1398 (4000-00700)

Patent

REMARKS/ARGUMENTS***Status of Claims***

Claims 1-21 are currently pending in this application.

Applicants hereby request further examination and reconsideration of the presently claimed application.

Claim Rejections – 35 USC § 103

Claims 1-6 and 19-21 stand rejected under 35 USC § 103(a) as unpatentable over *Klein* (U.S. 5,835,763) in view of *Bowman-Amuah* (U.S. 6,640,244). Claims 7-18 stand rejected under 35 USC § 103(a) as unpatentable over *Klein* in view of *Bowman-Amuah* and *Swartz* (U.S. 6,625,651). Claims 2-21 depend on claim 1, thus claims 1-21 stand or fall on the application of *Klein* and *Bowman-Amuah* to claim 1.

Applicants respectfully submit that *Klein* and *Bowman-Amuah* do not establish a *prima facie* case of obviousness as to the pending claims. According to MPEP § 2142, three basic criteria must be met to establish a *prima facie* case of obviousness:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Similarly, the fact that the Examiner has the burden of proof with respect to the elements of the *prima facie* case of obviousness is also well defined in MPEP § 2142:

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must

Attorney Docket No: IDF 1398 (4000-00700)

Patent

present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

The Examiner has not met the burden of establishing the *prima facie* case of obviousness because neither *Klein* nor *Bowman-Amuah* teach or suggest the claimed invention.

Claim 1 reads:

1. A method for processing a batch job, comprising:
wrapping the batch job to create an application programming interface for communication with a batch framework, the batch framework comprising a batch dispatcher class, and the batch dispatcher class further comprising a method to execute the batch job; and
invoking the batch framework according to a predetermined schedule via execution of a command line parameter, wherein the method provides for efficient reuse of programming code and platform independence by encapsulating the batch job and providing a uniform application programming interface for an application processing the batch job according to the method.

First and foremost, the Examiner cannot meet the third prong of the obviousness test because *Klein* and *Bowman-Amuah* do not teach or suggest the limitation of invoking a batch framework according to a predetermined schedule via execution of a command line parameter. The Examiner contends that "*Klein* [] teaches using a command line parameter for a batch framework (col. 9, lines 60-63, col. 10, lines 25-32)." See Office Action mailed January 20, 2006, paragraph 4. *Klein*, col. 9, lines 60-63 and col. 10, lines 25-32 read:

ThreadName – This parameter specifies the name given to a thread, that is, it specifies the name of the batch job that will perform the function of the thread. This name follows the platform's standard convention.

JOBQ – This particular parameter provides the name of the batch submission system that the thread job is submitted to in the format that follows the platform's standard convention.

JOBD – This parameter provides the name of the batch job description that describes the thread job in the format that follows the platform's standard convention.

As explained by *Klein* in col. 9, lines 14-16, the ThreadName, JOBQ, and JOBD are constants and parameters used by a user's computer program. They are data fields that have fixed or

Attorney Docket No: IDF 1398 (4000-00700)

Patent

variable values throughout the execution of a user's program. The ThreadName, JOBQ, and JOBID are not located in a command line and do not cause the execution or invocation of the batch framework. *Bowman-Amuah* does not make up for the shortcomings in *Klein*. The Examiner contends that "Bowman-Amuah teaches ... execution of a command line parameter (*executing commands, etc.*) with efficient reuse of programming code (*col. 13, lines 17-28, etc.*)."

See Office Action mailed January 20, 2006, paragraph 6. *Bowman-Amuah*, col. 13, lines 17-28 reads:

Duplication of effort. Although class libraries allow programmers to use and reuse many small pieces of code, each programmer puts those pieces together in a different way. Two different programmers can use the same set of class libraries to write two programs that do exactly the same thing but whose internal structure (i.e., design) may be quite different, depending on hundreds of small decisions each programmer makes along the way. Inevitably, similar pieces of code end up doing similar things in slightly different ways and do not work as well together as they should.

As can be seen above, the cited section of *Bowman-Amuah* in no way relates to command line parameters or any type of execution script. In contrast, the command line parameter recited in claim 1 is a string of text commands that is passed to the command interpreter for execution of a program, namely invocation of the batch framework. Examples of such are UNIX shell scripts and Windows NT batch files. Clearly, the cited sections of *Klein* do not teach or suggest the limitation of using a command line parameter to invoke a batch framework according to a predetermined schedule. In fact, both *Klein* and *Bowman-Amuah* are completely silent as to the use of a command line parameter to execute any aspect of their inventions, much less to execute the invocation a batch framework according to a predetermined schedule. In contrast with *Klein* and *Bowman-Amuah*, claim 1 specifically recites the limitation of invoking a batch framework according to a predetermined schedule via execution of a command line parameter, which is not taught or suggested by *Klein* and/or *Bowman-Amuah*. Because *Klein* and *Bowman-Amuah* fail to

Attorney Docket No: IDF 1398 (4000-00700)

Patent

teach or suggest a limitation in claim 1, the Examiner is unable to meet the third prong of the obviousness test and, consequently, cannot make out a *prima facie* case of obviousness.

Secondly, the Examiner cannot meet the third prong of the obviousness test because *Klein* and *Bowman-Amuah* fail to teach or suggest the limitation that the batch framework contains classes to dispatch the batch job. The Applicants teach that the classes are part of the batch framework, and the application programming interface (API) separates the batch framework from the batch jobs. This configuration is shown in the Applicants' Figure 1A:

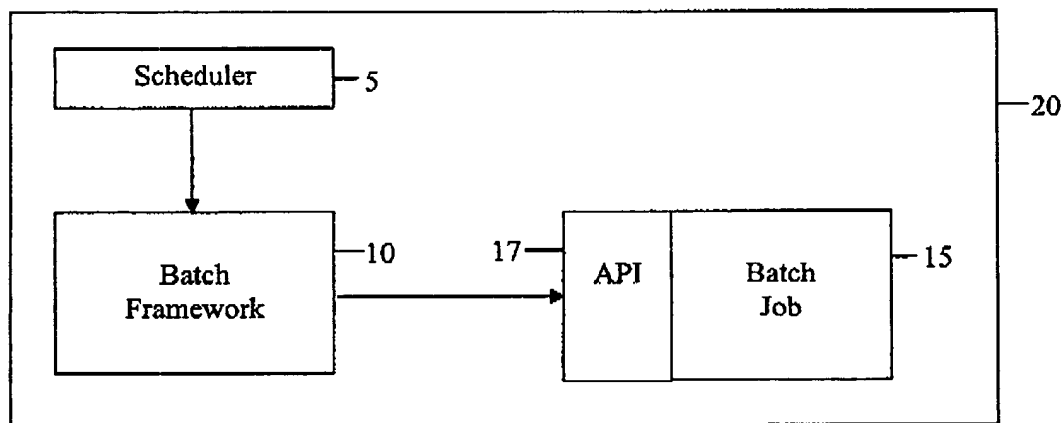


Figure 1A

As is clearly shown in Figure 1A, the batch framework 10 and the batch jobs 15 are separated by the API 17. More specifically, the API wraps the batch jobs, thereby separating the batch jobs from the classes in the batch framework. Claim 1 specifically recites these distinctions with the limitation "wrapping the batch job to create an application programming interface for communication with a batch framework, the batch framework comprising a batch dispatcher class." The Examiner has acknowledged that *Klein* does not teach using classes to dispatch batch jobs. See Office Action dated January 20, 2006, paragraph 5. To resolve *Klein's* lack of teaching, the Examiner contends that "*Bowman-Amuah* teaches batch processing with classes to

Attorney Docket No: IDF 1398 (4000-00700)

Patent

dispatch jobs (col. 4, lines 30-35, etc.).” See Office Action mailed January 20, 2006, paragraph 6. *Bowman-Amuah*, col. 4, lines 30-35, part of *Bowman-Amuah*’s Brief Description of the Drawings, reads:

FIG. 55 illustrates a flowchart for a method for representing a plurality of batch jobs of a system each with a unique class in accordance with an embodiment of the present invention;

FIG. 56 illustrates a class diagram of the batch job hierarchy;

As can be seen above, the cited section of *Bowman-Amuah* does not teach that the batch framework contains classes to dispatch the batch jobs. Rather, *Bowman-Amuah* teaches that each batch job can be represented as its own unique class. See also *Bowman-Amuah*, col. 195, lines 22-23. If *Bowman-Amuah*’s teaching were to be mapped onto Figure 1A above, the classes would be in the batch jobs 15, not the batch framework 10 as claimed by the Applicants. Nowhere in his lengthy disclosure does *Bowman-Amuah* teach a batch framework, much less a batch framework that contains classes to dispatch the batch jobs. Thus, *Bowman-Amuah* fails to teach or suggest that the batch framework contains classes to dispatch the batch job. Because *Klein* and *Bowman-Amuah* fail to teach or suggest a limitation in claim 1, the Examiner is unable to meet the third prong of the obviousness test and, consequently, cannot make out a *prima facie* case of obviousness. Therefore, claims 1-21 should be allowed over the cited prior art.

Attorney Docket No: IDF 1398 (4000-00700)

Patent

CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by Applicants. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Office Action dated January 20, 2006 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 21-0765, Sprint. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,

Date: 3/23/06

Grant Rodolph
Grant Rodolph
Reg. No. 50,487

CONLEY ROSE, P.C.
5700 Granite Parkway, Suite 330
Plano, Texas 75024
(972) 731-2288
(972) 731-2289 (facsimile)

ATTORNEY FOR APPLICANTS